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January 26

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SEP 22 1998

CONCORD, N.H.

Mr. Leonard S. Hill
Business Supervisor
Department of Administration and Control
State House
Concord, New Hampshire

Dear Mr. Hill:

This is in response to your request of January 12, for our opinion as to whether, in the collection of board and care charges of crippled children receiving convalescent care at Crotched Mountain, charges should be made for periods when the patients are away on home visits, vacations, etc.

The State, after investigation by your division, is authorized to collect for the expenses of care, treatment or maintenance of patients or chargeable relatives of patients who are able to pay. The expense to the State for services rendered at Crotched Mountain is governed by a contract between the Crotched Mountain Foundation and the Health Department. A rate of "no more than \$15 per diem" is provided in the contract. The contract, however, contains no reference to payment while patients are on home visits, vacations, etc.

In discussing this matter with Stuart Wilkins, Business Manager of the Health Department, it was learned that in the past it has been the practice of the Health Department to pay the Foundation for such vacation periods. Such payments occurred both during the term of the present contract and during the terms of earlier contracts with the Foundation. On at least one occasion a question was raised by the Department as to whether it should be required to make payments for periods when the patient was temporarily absent from the hospital. After discussion of the problem, however, payment was made.

IN DEPARTMENT COMMUNICATIONS

Mr. Leonard S. Hill

January 26, 1956

SUBJECT

To State in paying for periods of absence from the hospital it would now appear to be implied that the State will continue to do so. This of course could be changed by renegotiating the contract and providing otherwise. It would therefore appear that under the contract and in view of the existing practice in this respect the cost for periods of temporary absence from the hospital is a legitimate State expense and may be recovered from persons legally chargeable.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB/T
cc: Stuart Wilkins

and State Hospital charge only for food and general funds supplied by the Soldiers and Sailors Civil Control Administration. The latter is based upon "in residential requirements. For the purpose of charge for vacations and similar time away from the hospital from the Health Department that no fixed charges are stretched Mountain charges.

that your office give an opinion as to whether or not the charges should be confined to the actual presence of the patient, or otherwise.